

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

GERALDINE SUE SAFFLE,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 7:20cv00722
)	
KROGER LIMITED PARTNERSHIP I,)	
and)	
THE KROGER CO.,)	
)	
Defendants.)	

ANSWER

The Defendants, Kroger Limited Partnership I, and The Kroger Co., (“Kroger”) by counsel, file this Answer to the plaintiff’s Complaint filed in this action.

1. The defendant, The Kroger Co., denies that it owned, occupied or controlled the property where the Plaintiff’s alleged accident occurred and, therefore, denies it had any duty to the plaintiff. The store in question was operated by Kroger Limited Partnership I. The Kroger Co. is not a proper defendant to this action.

2. The defendants deny any liability to the plaintiff for the amount alleged in the Complaint or for any other sum whatever.

3. The defendants deny that an accident occurred as described in the Complaint.

4. The defendants deny being guilty of any act of negligence which proximately caused the accident in question.

5. The defendants deny breaching any legal duty owed the plaintiff.

6. The defendants allege that the plaintiff was guilty of negligence and/or assumed the risk of injury which will bar the plaintiff's recovery in this action.

7. The defendants deny that the plaintiff was injured and damaged to the extent and with the consequences alleged in the Complaint and, therefore, call upon the plaintiff for strict proof of such alleged damages.

8. The defendants reserve the right to allege that the plaintiff's accident and injuries were caused by a third party or parties for whose actions the defendants are not responsible at law.

9. All allegations in the Complaint not expressly admitted herein are denied.

10. The defendants reserve the right to rely upon any and all legal and or equitable defenses that may be relevant herein to the extent that additional information is disclosed supporting such defenses. The defendants reserve the right to amend their pleadings to include any and all such defenses.

11. The defendants demand a trial by jury.

KROGER LIMITED PARTNERSHIP I and
THE KROGER CO.

/s/ C. Kailani Memmer
Of Counsel

C. Kailani Memmer (VSB No. 34673)
Victor S. Skaff, III (VSB No. 40054)
GLENN ROBINSON CATHEY MEMMER & SKAFF PLC
400 Salem Avenue, Suite 100
Roanoke, Virginia 24016
(540) 767-2200 Telephone
(540) 767-2220 Facsimile
kmemmer@glenntob.com
vskaff@glenntob.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of December, 2020, I electronically filed the foregoing Answer with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

D. Stephen Haga, Jr. (VSB No. 19125)
THE HAGA LAW FIRM, PLC
27 Scattergood Drive, NW
Christiansburg, Virginia 24073
Telephone: (540) 382-6321
Facsimile: (540) 381-2884
steve.haga@hagalaw.com

Counsel for Plaintiff

/s/ C. Kailani Memmer
Of Counsel